

PATENT
Docket No.: H106036USU (P01003US)

II. REMARKS

A. STATUS SUMMARY

Claims 1-3, 14-16, 21, 22, and 33-43 are pending in the present application, all of which are rejected. The Examiner rejected;

- i) claims 1-3, 14, 21-22 and 33-43 under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent 5,552,917) in view of *Teich et al.* (U.S. Patent No. 4,850,040); and
- ii) claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent 5,552,917) in view of *Teich et al.* (U.S. Patent No. 4,850,040) and further in view of *Griesau et al.* (U.S. Patent No. 6,507,306).

Applicant is traversing the rejections without amending any of the claims. Applicant believes that no new matter has been added by this response and that the claims are in condition for allowance.

B. Response to 35 U.S.C. §103 Rejection

i. Darbee et al. in view of Teich et al.

The Examiner rejected claims 1-3, 14, 21-22 and 33-43 under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent 5,552,917) in view of *Teich et al.* (U.S. Patent No. 4,850,040, hereafter the Teich patent). On page 3, of the January 12, 2009, Final Office Action, the Examiner found that "Darbee does not explicitly teach the remote control comprising a plurality of transmitters capable of simultaneously send[ing] the signals." The Examiner then went on to state that; "Teich teaches a remote control comprising a plurality of transmitters operated simultaneously to send signals [col. 1, lines 67-68; col. 9, lines 13-17]. But, col. 1,

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lines 67-68; col. 9, lines 13-17 of the Teich patent only describes simultaneously-operated infrared transmitters and not simultaneously sending of different or respective signals.

Simultaneous operation is described in col. 1, line 55-col. 2, line 5, of the Teich patent, as;

“In accordance with the principles of our invention the console is designed to radiate commands in many directions. At least two light-emitting diodes (LEDs) are provided. When the console is in its normal orientations, one LED is aimed backwardly at an angle toward a vertical wall disposed to the rear of the console. Another LED radiates forwardly. In general, the axes of these two transmitters should be separated by at least 90 degrees. In order to insure that the commands are radiated in all directions, it is also highly desirable to provide another two LEDs, both aimed forwardly and upwardly (toward the ceiling) but to opposite sides of the console. The four transmitting devices are operated simultaneously and we have found that this arrangement provides adequate operation even if the console is turned on its base in either direction by as much as 70 degrees, swiveling by at least 45 degrees in either direction being a practical minimum limit of user satisfaction.”

Similarly, col. 9, lines 13-17, of the Teich patent describe only simultaneously-operated infrared transmitters: “An infrared remote control system for allowing a console to control the operations of a plurality of remote devices all situated in the same substantially enclosed space, comprising: a console having at least two simultaneously-operated infrared transmitters whose axes are separated by an angle of at least 90 degrees...”.

What is claimed in Applicant's independent claim 1 is; “a plurality of transmitters capable of communicating with the processor where the processor directs the transmitters to simultaneously and automatically send the respective signals to the plurality of electronic devices.” The transmitters are transmitting simultaneously, but they are also transmitting respective signals to the electronic devices. This is opposed to simultaneously transmitting the

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same signal in different directions as described in the Teich patent. Thus, the Teich patent fails to describe the transmitting simultaneously respective signals as claimed by the Applicant.

Therefore, Applicant submits that claims 1-3, 14, 21-22, and 33-43 are in condition for allowance because all of the claim elements are not taught or described in the combined references, there is no likelihood of success in combining the references, and there can be no motivation to combine the references when the combined references fail to teach or describe all of the claimed elements.

ii. Darbee et al. in view of Teich et al. and further in view of Griesau et al.

The Examiner rejected claims 15 and 16 under 35 U.S.C. §103(a) as being unpatentable over *Darbee et al.* (U.S. Patent 5,552,917) in view of *Teich et al.* (U.S. Patent No. 4,850,040) and further in view of *Griesau et al.* (U.S. Patent No. 6,507,306).

The combined references fail to teach or describe Applicant's claim limitations for claim 15 and 16. As described previously for independent claim 1 and applied herein to claims 15 and 16, the combined references fail to teach all of the claim limitations and are thus in condition for allowance. Additionally, claim 15 and 16 are dependent claims that depend from allowable independent claim 1 and are in condition for allowance for this reason.

Therefore, Applicant submits that claims 15 and 16 are in condition for allowance because not all claim elements are taught or described by the combined reference and because they depend from an allowable independent claim.

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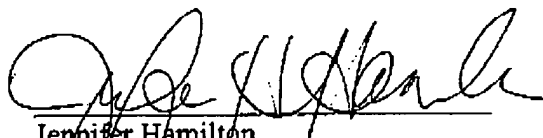
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III. CONCLUSION

In view of the foregoing discussion and remarks, Applicant respectfully submits Claims 1-3, 14-16, 21, 22 and 33-43 as presented are in a condition for allowance, for which action is earnestly solicited.

The Commissioner is authorized to charge any additional fees that may be required, or credit any overpayment, to our Deposit Account No. 50-2542. A copy of this sheet is enclosed.

Respectfully submitted,
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Date: 3/12/09

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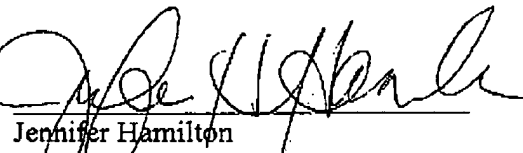
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